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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/235,120	01/21/1999	ARVIND NATH PURI	ORCL5543	5167

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ALAN W YOUNG  
YOUNG LAW FIRM,P.C.  
4370 ALPINE ROAD  
SUITE 106  
PORTOLA VALLEY, CA 94028

EXAMINER

BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/235,120

Applicant(s)

PURI ET AL.

Examiner

Alain L. Bashore

Art Unit

3624

ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-12 and 14-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-12, and 14-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12-16 recite "system" which is vague and indefinite since a system may be one of several different statutory classes of invention (including a method or an apparatus). Applicant must indicate on the record what statutory class of invention the system claims belong to. For the purposes of this examination these claims are considered apparatus.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-11 are rejected under 35 U.S.C. 101 as non-statutory. The method claims as presented do not claim a technological basis in the body of the claim. Without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. 101. In contrast, a method claim that includes in the body of the claim at least one structural / functional interrelationship which can only be computer implemented is

considered to have a technological basis [See Ex parte Bowman, 61 USPQ2d 1669, 1671 (Bd. Pat. App. & Inter. 2001) – used only for content and reasoning since not precedential].

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, 9-12 and 14-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway in view of (Bone et al and Fahey).

Conway discloses a computer implemented actual costing method for collecting and presenting an actual cost of performing an activity. Actual costs of performing at least one of: a job performed, an item manufactured or an item purchased, is collected. A unique cost source identifier is created for each collected actual cost and storing collected actual costs (element 28).

The activity could be carried out contemporaneously with the performance of the job. There is implemented a selected accounting costing method for actual cost collection and a selected costing method for actual cost presentation (col 2, lines 33-

45). The unique cost source identifier is associated to a step carried out while performing a service.

A computer system computes an actual cost of performing an activity from collected actual costs incurred. The system includes at least one processor, at least one data storage device, and processing logic. There is provided a machine-readable medium having stored thereon data representing sequences of instructions which, when executed by a computer system performs specific steps (figs 1 and 9). Conway appears to disclose a sequence of operations carried out while performing the service of the business activity.

Conway does not explicitly disclose:

both costing methods are independent of each other, where the method also may further include a method as recited in claim 2;

a new unique cost identifier is created and stored upon each occurrence of a transaction that affects the actual cost of carrying out the activity.

Also not disclosed by Conway is a cost source identifier that may include: data structure with pointer and date actual cost was incurred, stored cost identifiers organized as a hierarchical structure including nodes, and implemented by rolling up

the actual costs within the cost source identifiers assigned to nodes hierarchically below the selected node level.

Bone et al discloses costing methods that may be independent of each other (col 1, lines 10-60, col 2, lines 30-55), where the method also may further include a method as recited in claim 2 (col 3, line 39).

It would have been obvious to one with ordinary skill in the art to utilize independent costing methods to Conway because Bone et al teaches that independence is important because of a particular user's inquiry may not require all database information (col 1, lines 30-32).

Fahey discloses new unique cost identifiers created and stored upon each occurrence of a transaction that affects the actual cost of carrying out an activity. The cost source identifier may include: data structure with pointer and date actual cost was incurred. The stored cost identifiers may be organized as a hierarchical structure including nodes, and implemented by rolling up the actual costs within the cost source identifiers assigned to nodes hierarchically below the selected node level (col 6, lines 53-67; col 7, lines 1-50).

It would have been obvious to one with ordinary skill in the art to include new unique identifiers (which include data structure and date) upon each occurrence of a

transaction that affects the actual cost of carrying out an activity to Conway in view of Bone because of what is taught by Fahey. Fahey teaches that a decision support system methodology requires current identifiers (col 1 , lines 25-35).

It would have been obvious to one with ordinary skill in the art to include hierarchical structure including nodes, and implemented by rolling up the actual costs to Conway in view of Bone et al because Fahey teaches multidimensional presentation as desirable and comparisons of attributes require comparisons ( col 3, lines 18-27; col 4, lines 12-46).

Regarding Fahely, table 1 discloses activities which would be obvious to one with ordinary skill in the art to include items manufactured and services being provided because the activities disclose functions that provide manufactured items and services.

### ***Response to Arguments***

7. Applicant's arguments filed 12-17-03 have been fully considered but they are not persuasive.

Fahely is utilized to modify the cost identifiers of Conway for specific steps to be new unique cost identifiers created and stored upon each occurrence. Since Fahely discloses that his activities include specific steps (such as manufacturing or service), this does not “teach away” from use by one with ordinary skill in the art to be use for

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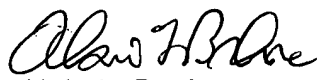
combining with Conway. Fahely discloses: "it is desirable to provide a data warehouse which contains data that more accurately reflects the enterprise wide production and indirect support costs attributed to product families and individual products" (col 1, lines 26-30).

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Alain L. Bashore